

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN MARK HALCOMB, #191295,

Petitioner,

v.

CASE NO. 11-CV-11097  
HONORABLE GERSHWIN A. DRAIN

GREG MCQUIGGIN,

Respondent.

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**ORDER DENYING PETITIONER'S MOTION FOR ORAL ARGUMENT[#10]**

Michigan prisoner John Mark Halcomb ("Petitioner") has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is incarcerated in violation of his constitutional rights. Respondent has filed an answer to the petition and Petitioner has filed a reply to that answer. This matter is before the Court on Petitioner's motion for oral argument.

Pursuant to Rule 5 of the Rules Governing Section 2254 Cases, Respondent is required to submit all transcripts and documents relevant to the determination of the habeas petition when the answer is filed. *See* Rule 5, 28 U.S.C. foll. § 2254. The Court may also require that the record be expanded to include additional materials relevant to the determination of the petition. *See* Rule 7, 28 U.S.C. foll. § 2254. Additionally, the Court has discretion to conduct an evidentiary hearing after the filing of the answer and the state court record. *See* Rule 8, 28 U.S.C. foll. § 2254.

Upon initial review of the pleadings and state court record, the Court concludes that oral argument is not warranted. Accordingly, the Court **DENIES** Petitioner's motion for oral argument [#10]. The Court will bear in mind Petitioner's request if, upon further review of the case, the Court determines that oral argument is necessary. Petitioner need not file any additional motions

concerning such matters.

**IT IS SO ORDERED.**

/s/Gershwin A Drain  
GERSHWIN A. DRAIN  
UNITED STATES DISTRICT JUDGE

Dated: December 6, 2012

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 6, 2012.

s/Tanya Bankston  
TANYA BANKSTON  
Case Manager